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EXAMINER				
CRANFORD, MICHAEL D				
ART UNIT		PAPER NUMBER		
3696				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,498

**Applicant(s)**

WANG ET AL.

**Examiner**

MICHAEL D. CRANFORD

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10580498.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the amendment filed on 11 September 2008.
2. Claims 1-12 are have been amended.
3. Claims 1-12 are currently pending and have been examined.
4. The rejections of claims 1-12 have been updated to reflect the amendments.

Applicant's arguments received on 11 September 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claims 1, 8 and 9, Applicant argues that Ginter fails to disclose making statistics of the information of the first registration of the optical disc by the user to produce a statistical result. Applicant further states that Ginter does not show comparing the statistical result with a present value to form a comparison result; and determining the credit of the user according to the comparison result.

Examiner argues that amended claims 1-12 fail to overcome Ginter and for this reason Examiner respectfully maintains rejections.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being unpatentable over Ginter et al. (US 5,892,900).

**Amended Claims**

**7. Claim 1:**

Ginter et al. shown, discloses the following limitations:

- *making statistics of the information of the first registration of the optical disc by the user to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing the statistical result with a preset value to form a comparison result* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)
- *determining the credit of the user according to the comparison result* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage

reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

**8. Claim 2:**

Ginter et al. shown, discloses the following limitations:

- *amount of optical discs first registered by the user* (see at least column 8 lines 54-56.... VDE contains user information such as: commercially distributed electronic information such as reference databases, movies, games, advertising and cost related to the aforementioned)

**9. Claim 3:**

Ginter et al. shown, discloses the following limitations:

- *amount of money spent by the user on the first registration of the optical disc* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, and payment operating environment)

**10. Claim 4:**

Ginter et al. shown, discloses the following limitations:

- *amount of money is that spent on buying optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, and payment operating environment)

**11. Claim 5:**

Ginter et al. shown, discloses the following limitations:

- *amount of money is that spent on renting optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**12. Claim 6:**

Ginter et al. shown, discloses the following limitations:

- *conversion value that concerns the credit of the user* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit.....containing information such as credit.....counter mode may be used by VDE administrators to determine device usage)

**13. Claim 7:**

Ginter et al. shown, discloses the following limitations:

- *amount of optical discs, an amount of money, and a conversion value* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment...information is used for analysis)

**14. Claim 8:**

Ginter et al. shown, discloses the following limitations:

- *statistics device for making statistics of information of a first registration of the optical disc by the user to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing device for comparing the statistical result with a preset value to produce a comparison result* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter

mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)

- *determining device for determining the credit of the user according to comparison result* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

**15. Claim 9:**

Ginter et al. shown, discloses the following limitations:

- *statistics device for making statistics of the information of a first registration of an optical disc by the user based on the information of the first registration by the user to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing device for comparing the statistical result with a preset value to produce a comparison result* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)
- *determining device for determining the credit of the user according to the comparison result* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

**16. Claim 10:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of the credit of users* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**17. Claim 11:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of sales of optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**18. Claim 12:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of rents of optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

***Claim Rejections - 35 USC § 102***

- 19.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –



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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being unpatentable over Ginter et al. (US 5,892,900).

21. **Claim 1:**

Ginter et al. shown, discloses the following limitations:

- *making statistics of the information of the first registration of the optical disc by a user to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing the statistical result with a preset value* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)
- *determining the credit of the user according to the result by comparison* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

22. **Claim 2:**

Ginter et al. shown, discloses the following limitations:

- *amount of optical discs first registered by the user* (see at least column 8 lines 54-56.... VDE contains user information such as: commercially distributed electronic information such as reference databases, movies, games, advertising and cost related to the aforementioned)

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**23. Claim 3:**

Ginter et al. shown, discloses the following limitations:

- *an amount of money spent by the user on the first registration of the optical disc* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, and payment operating environment)

**24. Claim 4:**

Ginter et al. shown, discloses the following limitations:

- *amount of money is that spent on buying the optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, and payment operating environment)

**25. Claim 5:**

Ginter et al. shown, discloses the following limitations:

- *amount of money is that spent on renting the optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**26. Claim 6:**

Ginter et al. shown, discloses the following limitations:

- *conversion value that concerns the credit of the user* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit....containing information such as credit....counter mode may be used by VDE administrators to determine device usage)

**27. Claim 7:**

Ginter et al. shown, discloses the following limitations:

- *amount of optical discs, an amount of money, and a conversion value* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment...information is used for analysis)

**28. Claim 8:**

Ginter et al. shown, discloses the following limitations:

- *statistics device for making statistics of the information of the first registration of the optical disc by a user to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing device for comparing the statistical result with a preset value to produce a result by comparison* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)
- *determining device for determining the credit of the user according to the result by comparison* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

**29. Claim 9:**

Ginter et al. shown, discloses the following limitations:

- *statistics device for making statistics of the information of the first registration of the optical disc by a user base on the information of the first registration by a user contained in the received information to produce a statistical result* (see at least column 9 lines 57-61...VDE provides a secure, distributed electronic transaction management system for controlling the distribution and/or other usage of electronically provided and/or stored information)
- *comparing device for comparing the statistical result with a preset value to produce a result by comparison* (see at least column 124 lines 30-34....the event summary data structures uses a fixed event number to index into a look up table. the look up table contains a value that can be configured as a counter or a counter plus limit. counter mode may be used by VDE administrators to determine device usage.....current values are used in this calculation)
- *determining device for determining the credit of the user according to the result by comparison* (see at least column 55 lines 33-37....a "report receiver" may receive reports such as usage reports from content users. A "permissioning agent" may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness)

**30. Claim 10:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of the credit of users* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**31. Claim 11:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of the sales of optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum,

fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**32. Claim 12:**

Ginter et al. shown, discloses the following limitations:

- *storage device for recording the information of the rents of optical discs* (see at least column 9 lines 9-12....VDE provides a broad-spectrum, fundamentally configurable and portable, electronic transaction control, distributing, usage, reporting, registration, renting/purchasing and payment operating environment)

**FINAL CONCLUSION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**CONCLUSION**

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Thomas Dixon** can be reached at **571-272-6803**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

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/ Michael Cranford / Examiner / Art Unit 3696 /

/Frantzy Poinvil/  
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December 18, 2008